

The Kentucky State Board for Proprietary Education

May 18, 2012

A regular meeting of the Kentucky State Board for Proprietary Education was conducted on May 18, 2012 at the Office of Occupations and Professions in Frankfort, KY.

<u>Members Present</u> Bill Johnson, Chairman David Keene Glen Wilham Lois Weaver Leonard Napolitano Walter Lee Jim Jackson Dr. Steve Meade <u>Members Absent</u> Vivian Nash Jan Gordon	<u>Occupations and Professions Personnel</u> Lindsey Lane, Board Administrator Courtney Bourne, Executive Director <u>Others</u> Brenda Allen, General Counsel Dr. Tom Barron, Board Investigator Capt. Fred Williams, Kentucky State Police Sgt. John Scott, Kentucky State Police Cindy Landry, ATA College Buddy Boyd, Delta Career Academy Joseph Plante, Bluegrass Motor Coach Driving Virginia Day, Bluegrass Academy of Pet Design
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Chairman Bill Johnson called the meeting to order at 10:18 am.

Approval of Minutes

Minutes of the April 20, 2012 meeting were presented for the Board's review. Mr. Keene made a motion to approve the minutes as presented. Mr. Wilham seconded that motion and it carried unanimously.

Review of Financial Report

The Board reviewed financial report that ended on April 30, 2012.

Licensure Status Report

Ms. Lane informed the Board that all schools are currently in their renewal period and at this time there were several that needed to be processed and the license report would not show accurate figures. Ms. Lane will provide the Board with a licensure status report in June along with a list of schools that have not renewed that will need to receive Cease and Desist letters.

Executive Director Report

Executive Director Courtney Bourne was unable to attend the May meeting. She informed Ms. Lane that there were no new issues from O&P at this time.

Board Administrator Report

Ms. Lane informed the Board of all actions that she had taken since the April 20, 2012 meeting. An approval letter was sent to Choice MD, located in London, Kentucky for their Application to open a Resident School. A deferral letter was sent to Cooke Real Estate School Headquarters, located in St. Petersburg, Florida for their Application for a Non Resident School. The school needs to submit the required fees for the license and Student Protection Fund and show proof of the surety bond that the school holds. A deferral letter was also sent to LearningInsurance.Com, located in Austin, Texas for their Application for a Non Resident School. An approval letter was sent to Interactive College of Technology for their Application to Award an Associate Degree. An approval letter was sent to New Horizons Computer Learning Center located in Lexington, Kentucky for their Application to Add a New Program. An approval letter was sent to International Truck Driving School for their Application to Change the Location of the School. Interactive College of Technology located in Newport, Kentucky received an acknowledgement letter for their Notification to Revise an Existing Program for Less than 25%. Academy of Dental Assisting at MedQuest College received an approval letter for their Application to Change the Name of the School. Delta Career Academy received an approval letter for one of their new CDL Instructors, and Ms. Lane returned an application submitted by Spencerian College in Louisville, Kentucky due to the application being incomplete.

Board Counsel Report

Ms. Allen did not have anything to report at this time but will be following up on the items listed under Old Business later in the meeting.

Board Chair

Chairman Johnson thanked all Board members for their service. Soon the Board will be abolished and all files and records will transfer over to the Education and Workforce Development Cabinet for the new Commission on Proprietary Education. Chairman Johnson discussed the transition that will take place and asked the Board if they found it necessary to hold a work session to work on closing out some of the open issues the Board has with licensed schools. The Board also plans to finish a regulations packet that the Board has been working on for several months. Some members discussed going to Lake Cumberland State Park for a couple of days to ensure they could complete all of these tasks. They will discuss this issue further under New Business.

New Schools / Programs Committee

Application for a Resident School

Mr. Wilham made a motion to approve the Application for a Resident School submitted by Bluegrass Motor Coach Driving Academy, located in Bardstown, Kentucky, pending their site visit from the Kentucky State Police where their equipment will be inspected. Mr. Keene seconded that motion and it carried.

Dr. Meade made a motion to approve the Application for a Resident School submitted by Bluegrass Academy of Pet Design, located in Berea, Kentucky. Mr. Keene seconded that motion and it carried.

Mr. Wilham made a motion to defer the Application for a Resident School submitted by Paducah Truck Driving School, located in Paducah, Kentucky, due to an incomplete application. Mr. Lee seconded that motion and it carried.

Application for a Non-Resident School

Mr. Keene made a motion to approve the Non-Resident application submitted by 360 Training.Com DBA Learning Insurance.com located in Austin, Texas. Dr. Meade seconded that motion and it carried.

Application for a New Program

Mr. Keene made a motion to approve the Application for a New Program from Dennis Badger & Associates, located in Lexington, Kentucky. Dr. Meade seconded that motion and it carried.

Mr. Keene made a motion to defer the Application for a New Program submitted by Home Services Real Estate Academy located in Louisville, Kentucky. There were several questions concerning the new programs the school submitted for approval and Mr. Keene asked Ms. Lane

to follow up with the school regarding these questions and concerns. Mr. Wilham seconded that motion and it carried.

Notification to Revise an Existing Program for Less Than 25%

Mr. Napolitano made a motion to send an acknowledgement letter to Lincoln College of Technology for their Notification to Revise an Existing Program for Less than 25%. Ms. Weaver seconded that motion and it carried.

Mr. Napolitano made a motion to send an acknowledgement letter to ATA College in Louisville, Kentucky for their Notification to Revise an Existing Program for Less than 25%. Mr. Keene seconded that motion and it carried.

Application to Revise an Existing Program for 25% or More

Mr. Napolitano made a motion to approve the Application to Revise an Existing Program for 25% or more submitted by Brown Mackie College – Hopkinsville Campus. Dr. Meade seconded that motion and it carried.

Application to Change the Location of a School

Mr. Keene made a motion to approve the Application to Change the Location of a School submitted by Home Services Real Estate Academy in Louisville, Kentucky, pending a site visit from the Board Investigator and a fire inspection. Mr. Napolitano seconded that motion and it carried.

Commercial Drivers License Committee Report

Mr. Wilham spoke to the Board about temporary licenses that have been issued in the past while waiting for the background check to be completed and sent to Board from the Kentucky State Police. The regulations clearly state that a license may not be issued until the Board has been notified by KSP that the CDL Instructor has a clean background check. Some CDL schools were requesting provisional licenses and the Board can no longer issue those.

Mr. Wilham made a motion to approve the CDL Instructor application pending completed background checks from the Kentucky State Police. Mr. Keene seconded that motion and it carried. Mr. Lee made a motion to approve a complete Instructor application. Ms. Weaver seconded that motion and it carried. Mr. Wilham recused himself from voting on that application.

Complaint Review Committee Report

There are currently three complaints:

#2011-004 – This complaint was referred to the Board’s Investigator for further information and an open investigation. Dr. Barron stated that he has been working on this case and has interviewed several individuals. His report is almost complete and he should be able to report back to the Board with his final decision in the June meeting.

#2012-001 – This case is currently in process.

#2012-002 – This case is currently in process.

Investigator Report – Pending Inspections

Dr. Barron stated he is currently working on all three complaints that are currently pending. Dr. Barron informed the Board he has visited the Bluegrass Motorcoach Driving Academy where he gave them a satisfactory inspection as well the Bluegrass Academy of Pet Design where they also received a satisfactory inspection.

Old Business

Ms. Allen reported she has a draft of the Regulations packet and would like to work with the Board on finalizing these regulations as soon as possible. She explained if the Board does hold a work session that would be a good time to review and revise the regulations. Chairman Johnson asked the Board if they had thought more about the option to hold a work session and if so, where would they like to hold those meetings. Mr. Napolitano explained he thought transition would be the key for the Board and the Commission and that this would be a good time for the Board to close out all old business and possibly have a time frame or instructions from the Commission on how they would like the information transferred to their office. Mr. Wilham made a motion that the Board should hold a work session at Lake Cumberland State Park in Jamestown, Kentucky. Mr. Napolitano seconded that motion and it carried. Ms. Lane informed the Board that their regular meeting is scheduled for June 15, 2012 and if possible would like to work around that date. The Board requested the work session begins on June 13, 2012 and end with the regular meeting on June 15, 2012. Mr. Napolitano asked if someone from Workforce Development would be interested in coming to speak to the Board about he transition process and what they would like from the Board. Ms. Lane explained Executive Director Courtney Bourne and she had been in contact with employees but a date had not been set for the move and they would look further into this.

New Business

Ms. Lane informed the Board of a school that has been operating without a license for several months and some of the students have filed complaints with the Attorney General's Office. Mr. Keene made a motion that Ms. Lane sends an Immediate Cease and Desist to the school until they have submitted the appropriate paper work for licensure. Ms. Weaver seconded that motion and it carried. The Board's regulations state that any contracts signed by students that attend a school operating without a license are null and void. Ms. Keene recommended reaching out to these students once the Board Counsel is able to provide more information on the school. Ms. Allen plans to visit the school to speak with the owner in person regarding the licensure process. Ms. Allen will also request a list of all students that have attended this school in case further action by the Board is required.

Travel and Per Diem

Mr. Jackson made a motion to approve travel and per diem for all members that attended today's meeting as well as any member that traveled on Board related business since the April meeting. Mr. Napolitano seconded that motion and it carried unanimously.

Adjournment

Mr. Wilham made a motion to adjourn the meeting. Mr. Jackson seconded that motion and it carried unanimously.

Meeting adjourned at 11:20am.